



SOUTH LANARKSHIRE  
**Leisure & Culture**

Policy on flexible working

July 2009

## **1. Introduction**

South Lanarkshire Leisure and Culture recognises the difficulties faced by parents/carers in trying to juggle work responsibilities and either raising their children or caring for someone. There are presently a range of flexible working arrangements intended to support parents and carers.

## **2. Statutory right to apply to work flexibly**

While there are a range of options to work flexibly currently available to employees, the Employment Rights Act introduced a statutory right for parents/carers to apply for flexible working by requesting a change in their terms or conditions of employment i.e. a contract variation for the sole purpose of caring for someone with whom they have a qualifying relationship.

The type of changes which may be requested include the hours of work, the times of work and the location of work.

To qualify to make a request under the Act, an employee must:

- Have at least 26 weeks continuous service; however South Lanarkshire Leisure and Culture employees who wish to work flexibly can apply from day one of their employment.
- Have caring responsibilities for a child. This means that the employee is the parent, guardian, foster parent or partner of such a person and have or expect to have responsibility for the upbringing of the child. In line with the Policy on Special Leave a “child” is defined as under 16 years (under 18 years for disabled children).
- Have other caring responsibilities such as being the main carer for a disabled or elderly relative or dependant.

## **3. Options available**

There are a range of options available for employees to enable them to balance work and caring responsibilities and options available are listed below. Further information on flexible working is available from the HR section.

An employee may wish to maintain their contracted hours but vary working arrangements for example:

By making use of the scheme of Flexible Working Hours or “Flexi time”  
By working compressed hours or annualised hours.

For employees who wish to reduce contracted hours, there are a variety of options for part time working such as job sharing, term time working and reducing the working day to suit school hours.

Employees may also request to work either at, or from home, as part of the Home Working Scheme. In this instance their duties would need to be suitable for home working and specific management arrangements made.

For employees who wish to take a break from work for a longer period, there is the Career Break Scheme which enables an employee to take a complete break from work, other than for 2 week contact periods each year.

#### **4. Making a request**

**4.1** An employee should submit a request for flexible working to his/her line manager using the appropriate pro forma which requires the following information:

The change to working hours or pattern requested.  
The date from which it is proposed to become effective.  
The duration of the change requested if it is to be temporary.  
How the employee meets the conditions.

Depending on the complexity of the arrangements to be made, and the nature of the employee's work, SLLC may convene a meeting with the employee within 28 days of receipt of the request. The purpose of this meeting is to explore the requested work pattern in depth and discuss how it may be accommodated or to consider alternative suitable working arrangements. An employee may be accompanied at this meeting by his/her trade union representative or other suitable person, if wished.

#### **4.2 Notification of decision**

SLLC will give the employee written notice of its decision on the application within 28 days of receipt of the request or within 14 days of any such meeting. Where a variation has been agreed, SLLC will confirm the change to the employee's terms and conditions and the date from which it is to take effect.

Any changes to an employee's terms and conditions will be permanent unless agreed otherwise.

Should South Lanarkshire Leisure and Culture decide to refuse the request, it will advise the employee in writing setting out the grounds for refusal and notifying the employee of the right of appeal.

There will no occasion where a request is refused without a meeting having been held as set out above to enable a full discussion of the request and any alternatives to take place.

#### **5. Right of appeal**

##### **5.1 Appeal**

An employee has the right to appeal to a more senior manager who has not previously been involved in the matter.

An appeal should be submitted in writing stating the grounds, to the General Manager, within 14 days of the date of receipt of the decision.

Arrangements will be made for the appeal to be heard within 14 days of receipt of the submission. The employee may be accompanied at this meeting by a trade union representative or another suitable person of his/her choice. The decision will be confirmed to the employee in writing within 14 days of the meeting. Where agreement is reached, this will be confirmed to the employee in writing, specifying the terms and conditions agreed and the date from which it is to take effect.

Where the appeal is not upheld, the letter advising the employee will state the grounds for the decision.

## **5.2 Appeals to South Lanarkshire Leisure and Culture Board**

Where an appeal to the General Manager is unsuccessful, the employee may submit a complaint in writing to the Company Secretary– South Lanarkshire Leisure within 14 days requesting that the matter be heard by South Lanarkshire Leisure and Culture’s Board.

## **6. Detriment**

Employees have the right not to be subjected to any detriment or unfair treatment as a result of making a request to work flexibly.

However as the effect of an application will be to vary an employee’s terms and conditions, South Lanarkshire Leisure and Culture will view seriously any falsification of information, for example where the intention is to use the flexible working pattern for purposes other than to meet caring responsibilities.

## **7. Monitoring and review**

Regular reports on the number of variations granted to employees’ terms and conditions will be available through the “Oracle” HRMS system. These will be used to assess the effectiveness of this policy and amendments will be made as appropriate.